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C O N F I D E N T I A L JERUSALEM 000628

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NEA FOR FRONT OFFICE AND IPA, NSC FOR SHAPIRO/KUMAR, JCS
FOR LTGEN SELVA

E.O. 12958: DECL: 04/06/2018
TAGS: [IS](#) [KWBG](#) [PGOV](#) [PHUM](#) [PREL](#)
SUBJECT: EAST JERUSALEM EVICTION ORDER UPHELD IN ISRAELI
HIGH COURT

REF: A. JERUSALEM 501
[1](#)B. 08 JERUSALEM 1509

Classified By: Consul General Jake Walles, per reasons 1.4 (b) and (d)

[1](#)1. (C) Summary. Israel's High Court of Justice (HCJ) on April 5 rejected a petition lodged by two East Jerusalem families against eviction orders regarding their homes in Shaykh Jarrah. The decision exhausts possible judicial remedy and effectively reinstates eviction orders, which could now be executed at any time. PolOff delivered a message to Jerusalem Mayor Barkat's office to explain that these evictions, if executed, could inflame the situation in Jerusalem and are inconsistent with Israeli commitments under the Roadmap. End Summary.

SHEIKH JARRAH EVICTION ORDERS
SUSTAINED BY ISRAEL HIGH COURT

[1](#)2. (C) The Israeli HCJ on April 5 rejected a petition filed by two East Jerusalem families to freeze their eviction from homes in Shaykh Jarrah pending additional hearings to determine ownership of the land. The families have occupied these properties since 1956. The lawyer for the families, Husni Abu Hussein, told PolOff April 6 that the HCJ upheld the Magistrate and District Courts' decision not to freeze the evictions, claiming that recently submitted evidence in the case does not justify an interruption in the legal process. (Note: Per ref A, Abu Hussein recently obtained Ottoman and Jordanian documents that, he says, disprove the Israeli claim to the land. End note.) Abu Hussein said he is waiting for the courts to issue a final ruling on ownership of the land, but that the Hanoun and Ghawi families could be evicted at any time. He said that he exhausted all legal options for delaying the evictions.

[1](#)3. (C) PA Jerusalem Governor Adnan Hussein told PolSpec that the decision is political and ignores the recently submitted documents which call into question the ownership claims of Israeli settlers. Reflecting a common opinion among Palestinians, Hatem Abdel Qader, Advisor to PM Fayyad for Jerusalem Issues, said publicly the ruling marked a "black day" for the court.

[1](#)4. (C) PolOff delivered a message to Mayor Barkat via his Aide for Foreign Affairs Stephan Miller April 7, stating that the USG sees evictions as being inconsistent with the GoI's Roadmap commitment to take "no actions undermining trust, including...confiscation or demolition of Palestinian homes and property...to facilitate Israeli construction." PolOff told Miller that it will be difficult for the USG to avoid strongly condemning such actions if these evictions are carried out. Miller said he would pass that message to Mayor

Barkat, adding that a strong message to the GoI was also necessary to prevent these evictions. PolOff confirmed that the USG is reaching out to the GoI to pass this same message.

BACKGROUND ON THE LEGAL CASE

15. (U) The Sheikh Jarrah neighborhood in East Jerusalem was built by the UN and the Jordanian Government in 1956 to house Palestinian refugees from the 1948 war. The GoJ intended to register the land under the names of the refugee families, but failed to do so before 1967, leaving the land and buildings registered as state land. Following the 1967 war, Israelis claimed ownership of the land and, according to residents, in 1972, the Israel Land Registry issued a title to the property to the Va'ad Sefardi (VS) group after a representative of the group presented an Ottoman-era rental agreement, claiming it was a title to lands owned by the group until 1948. The disputed property case continued in Israeli courts until 1982, when an attorney representing 27 Palestinians resident in the neighborhood signed a document partially recognizing the VS claim in return for protected tenant status for the families. The families rejected the document, fired the attorney, refused to pay rent, and continued to insist on their claims to ownership.

16. (U) In 2001, the court ordered the residents to leave the houses for failure to pay rent, but did not allow VS (now represented by an organization called Nakhalat Shimon) to claim the property. In 2006, the court ruled that neither the families nor Nakhalat Shimon could prove ownership and that the houses should revert to the Palestinian residents. Recognizing that the documents submitted in support of the

settlers' ownership were fraudulent, the Israel Land Registrar revoked the settlers claim but refused to register the Palestinians' claim.

17. (U) In July 2008, the High Court ordered the eviction of another family in the area -- the al-Kurds -- based on their failure to pay rent as agreed between their former lawyer and the settlers. The eviction was executed in November 2008. In the current case, Nakhalat Shimon is suing the Hanoun and Ghawi families for failure to pay rent. PolOff confirmed with the lawyer, the family, and a local human rights organization that the families are being evicted for failure to pay rent to an organization that does not have a court decision affirming their ownership of the land, but no one was able to explain the apparent disconnect.

WALLES